

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**  
ASHEVILLE DIVISION  
CASE NUMBER 1:20CV66

CARYN DEVINS STRICKLAND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
UNITED STATES OF AMERICA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO REQUEST JUDICIAL  
NOTICE AND LEAVE TO SUBMIT SUPPLEMENTAL BRIEFING**

Defendants respectfully submit this response to Plaintiff's July 31, 2024 Motion to Request Judicial Notice and Leave to Submit Supplemental Briefing Regarding the Government Accountability Office's Report, "The Federal Judiciary: Additional Actions Would Strengthen Efforts to Prevent and Address Workplace Conduct," ECF No. 427. Plaintiff's motion asks the Court to take judicial notice of a report by the Government Accountability Office ("GAO") and for leave to file supplemental briefing relating to that report.

As the Court is aware, it filed Findings of Fact, Rulings of Law, and Order for Judgment in this case on August 9, 2024. ECF No. 429. That Order mooted Plaintiff's motion. In other words, because the Court has already weighed the evidence and made findings of fact and conclusions of law, there is no reason to take judicial notice of additional evidence at this point.

But even if the Court were to determine that Plaintiff's motion is not moot, the Court still should deny the motion because the GAO report has no relevance to any of Plaintiff's claims. None of the report's findings describe or relate to any actions by the particular officials whose conduct is questioned in this case. Accordingly, the report's findings do not relate to whether any Defendant violated Plaintiff's equal protection or due process rights.

In particular, Plaintiff quotes the report's statement that "alignment with the EEOC's recommended practices is important to help design effective programs and help create a culture in which workplace misconduct is not tolerated." Motion at 2. But the report does not address the extent to which any practices at issue in this case align with EEOC recommended practices. On the contrary, the report notes that "circuit-level training *varied by circuit* in the extent to which it aligned with EEOC recommended practices." *Id.* at 54 (emphasis added). Similarly, the report explains that the "judiciary also implemented changes at the circuit level to prevent and respond to workplace misconduct" and that "[t]hese efforts *varied by circuit*." *Id.* at 34 (emphasis added). Thus, the report's findings regarding alignment with EEOC recommendations do not speak to practices within the Fourth Circuit specifically, much less to the particular actions that Plaintiff challenged in this case. Furthermore, Plaintiff is incorrect in claiming that these findings somehow undermine Defendants' motion to exclude Plaintiff's purported workplace conduct expert. *Id.* at 2. Those findings are not inconsistent with any aspect of that motion, *see* ECF No. 323, and it is far too late for Plaintiff to raise new arguments in opposition thereto.

Finally, Plaintiff also requests leave to submit supplemental briefing regarding the GAO report because, she asserts, a "two-page notice of supplemental authority is not sufficient to address these highly significant findings." Motion at 3. But Plaintiff filed a motion, not a notice of supplemental authority, and was free to explain the purported relevance of the GAO report in that motion. And as discussed above, the GAO report has no obvious relevance to any of the claims in this case, especially now that the Court has already issued findings of fact and conclusions of law. Accordingly, further briefing is unwarranted.

Dated: August 14, 2024

Respectfully submitted,

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